

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CHAMBERS – FIRST FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, FEBRUARY 5, 2015 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2014 - April 2015	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	7	0
James Harrison, Vice Chair	P	6	1
F. St. George Guardabassi	P	7	0
Norbert McLaughlin	P	7	0
Jim Welch	P	7	0
Robert Dean	P	5	2
John Holmes	P	6	1
Bob Ross	P	6	1
Joe Cain	P	4	3
Herb Rassing	P	7	0
Frank Herhold	P	7	0
Zane Brisson	A	6	1
Erik Johnson	P	6	1
Jack Newton	P	6	1
Jimi Batchelor	P	4	3

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

It was noted that a quorum was present for the meeting.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Sergeant Todd Mills, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communication to the City Commission

Motion made by Chair Flanigan, seconded by Mr. Herhold, to submit the following comments, provided by Chair Flanigan, as a communication to the City Commission:

To the Mayor and the Commissioners:

We wish to reaffirm what has been and continues to be the unanimous support of the Marine Advisory Board (MAB) to see the obsolete Las Olas Marina rebuilt to service the marine industry's future needs, and have Fort Lauderdale retain its recognition as the Yachting Capital of the World.

It is imperative that any rebuilding be with the support and input of Show Management, operators of the Boat Show, which has not rendered support to any presented options.

It must be recognized that the existing design does not permit the long-sought expansion of the world's largest in-water boat show.

It should also be recognized that a considerable upland area and convention site space are readily available for the expansion of the next Palm Beach Boat Show. The long-standing challenge to expand its in-water displays are being addressed enthusiastically by authorities reviewing the permitting and environmental concerns for dredging in Palm Beach County.

Numerous City-paid consultants, pro formas, and reports all support the MAB's long-standing position that this project is within the City's capability, given our long-standing history of building and operating marinas successfully. Rather, all that is voiced by senior staff is "We can't afford to build the marina, or if we build it, will they come?"

It is our belief and all of the industry's professionals who have written or come before the Commission and the MAB that the City cannot afford NOT to rebuild the marina.

Wherein lies the opposition to this?

It certainly is not within the public as voiced through numerous public meetings to us all.

Respectfully submitted and approved by the Marine Advisory Board.

In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:10 p.m. and roll was called.

II. Approval of Minutes – January 7, 2015

Motion made by Mr. Herhold, seconded by Mr. Cain, to approve [as amended].

The following correction was noted on p. 5, paragraph 3: change "Mr. Herhold advised that he planned to submit his concerns..." to "Mr. Herhold advised that he had submitted his concerns..."

In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sergeant Todd Mills of Marine Police Staff stated that the Marine Unit recorded eight reports, 17 miscellaneous incident reports, five accidents, nine citations, 121 warnings, and 79 safety checks during the month of January. The reports included four burglaries. He noted that a homicide victim was recovered from the water at George English Park.

Sgt. Mills added that very recently, three Marine Unit members responded to a distress call from a capsized vessel and pulled three individuals from the water. The body of a fourth individual was recovered from beneath the boat. He noted that the Marine Unit, Broward Sheriff's Office (BSO), and the Fort Lauderdale Fire Department cooperated in response to the emergency.

Sgt. Mills confirmed that most of the warnings issued by the Marine Unit are for wake violations. He explained that the goal is to educate boaters, many of whom are not aware of wake regulations. Citations are typically issued to repeat offenders.

V. Waiver of Limitations – 1524 Land LLC c/o Mr. Victor Doudine, Manager / 1524 South Ocean Drive

Tyler Chappell, representing the Applicant, showed a PowerPoint presentation, stating that the request is for a boat lift on a property currently under construction. The location of the boat lift would be within the 30% waterway restriction. The distance request is for the width of the boat lift, which is 11 ft. The Applicant has secured permits from the Florida Department of Environmental Protection (FDEP) and the Army Corps of Engineers.

The Board members discussed the Application, noting that the boat lift would be located in 2.6 ft. of water. It cannot be placed at greater depth due to the presence of seagrass.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing. As there were no members of the public wishing to speak on this item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Rassing, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

VI. Waiver of Limitations – Robert J. and Jane S. Palmisano – 209 N. Birch Road

Heidi Davis, representing the Applicant, showed a PowerPoint presentation, stating that the request is to install a boat lift beyond the 25 ft. into the waterway at the Alhambra Place condominium. The Intracoastal Waterway is approximately 717 ft. in width at its widest section. The boat lift would be located 20 ft. beyond the 25 ft. limit imposed by Code, or 6.3% of the width of the waterway. It will not adversely affect the navigation of vessels or the right-of-way on the waterway.

Ms. Davis noted that extraordinary circumstances at the subject location include the lack of a no wake zone, accumulation of garbage at the existing slip, and the shallowness of the area at low tide, all of which could result in damage to vessels. The Applicant has obtained all federal, State, and local permits for the installation of the lift. The requested lift will not extend further than other existing docks into the waterway.

There being no questions from the Board at this time, Chair Flanigan opened the public hearing. As there were no members of the public wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Dean, seconded by Mr. Herhold, to accept the Application. In a voice vote, the **motion** passed unanimously.

VII. Reports

• Commission Agenda Items

Mr. Cuba advised that the City Commission approved an application for a waiver for a property in the Middle River area. It was noted that if the Board makes a recommendation to the City Commission that the Commission does not feel is valid, the Commission may override the recommendation and issue a waiver. The applicant in this case was able to prove that he was not engaged in renting dock space at the subject location. The applicant had reached out to the City Commission, which elected to call up the item. The Board's discussion and recommendation related to the application were presented to the Commission in their backup materials.

Mr. Luscomb reported that he is completing grant applications for a floating dock in front of Coontie Hatchee Park. This 90 ft. dock will feature a surrounding paddleboard and kayak launch section. Chair Flanigan advised that in a recent meeting with City Commissioner Robert L. McKinzie, he had agreed to have the Board look into the feasibility of installing a small fishing table among Sweeting Park's amenities. Mr. Cuba replied that he would provide an update on this issue at a future meeting.

VIII. Old / New Business

Chair Flanigan recalled that at the January 2015 Board meeting, there had been discussion of inviting the Coast Guard to review plans for a dock near the Riverwalk.

Approximately one week ago, a member of the Coast Guard had accompanied Chair Flanigan onto the river, including the location designated as a holding or turning area. He reported that multiple vessels were traveling the waterway at the time, and that a warning sign on the west side of the bridge was not functioning properly. The Coast Guard representative took several photographs of the surrounding area. Since that time, signage has been placed in the area to instruct boaters to contact the Coast Guard with regard to any navigational issues or other irregularities that may occur. He concluded that he would keep the Board apprised of further developments.

Chair Flanigan added that the Coast Guard is also aware of concerns regarding the raising and lowering of the New River Bridge in relation to the All Aboard Florida initiative. Vice Chair Harrison advised that the time frame in which comments may be submitted on this issue has been extended, and clarified that the Coast Guard may regulate the manner in which the bridge opens. The bridge's operation over the past 15 years has not been within standard procedure for on-demand structures, as there is presently no way to contact a bridge tender or other regulatory entity to request that the bridge be raised or lowered. The Coast Guard has also confirmed that there are five ongoing penalties, including fines, in relation to the bridge.

Vice Chair Harrison concluded that the Coast Guard is making regulations for the current operation of the bridge rather than for future plans including All Aboard Florida. They will ask the FEC to place signage in the area providing a phone number and email address that individuals may contact with concerns or complaints regarding bridge operations. The Marine Industries Association of South Florida (MIASF) has erected its own signs with this information and placed them on private property near the bridge. This will allow a more accurate record of issues related to the bridge.

The Board discussed how an on-demand bridge is intended to be used, as well as state laws related to road and water crossings. They also expressed concern with how bridge operations would be affected if All Aboard Florida becomes a reality, as well as the difference in how various interest groups may view the All Aboard Florida initiative. It was noted that impeding a navigable waterway could have a negative effect on commerce. The possibility of constructing a new bridge and concerns regarding the bridge's grade and inspection status were also discussed.

Chair Flanigan stated that at the February 17, 2015 City Commission meeting, the topic of the Las Olas Marina will be discussed. Because the Beach Redevelopment Board (BRB) has indicated they are not presently supportive of using CRA funds to rebuild the marina, he asserted that it is left to the MAB to speak in favor of the proposed redevelopment. He advised that he had drafted a communication to the City Commission stating the Board's support.

At this time Chair Flanigan ceded the chair to Vice Chair Harrison and read the draft communication aloud to the Board.

Motion made by Chair Flanigan, seconded by Mr. Herhold, [in favor of] the communication to the City Commission.

In a voice vote, the **motion** passed unanimously.

At this time Chair Flanigan assumed the chair once again. He distributed renderings of the proposed Las Olas Marina redevelopment to the Board members, noting that Show Management, which operates the Fort Lauderdale International Boat Show, is not supportive of the unsolicited proposal and design concept illustrated in the rendering.

The Chair strongly urged the Board members to attend the February 17 City Commission meeting to provide their input on this issue, and to reach out to their respective Commissioners on an individual basis. Mr. Dean added that marina owners should be encouraged to attend the February 17 meeting as well. Chair Flanigan emphasized the importance of private funding to the project, as well as the additional business that could be brought to the marina if it could accommodate larger vessels.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:46 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]